

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2018

Introduced by Assembly Member Bocanegra

February 20, 2014

An act to amend Section 10159.5 of the Business and Professions Code, relating to real estate licensees.

LEGISLATIVE COUNSEL’S DIGEST

AB 2018, as amended, Bocanegra. Real estate licensees: fictitious business names.

Existing law provides for the licensure and regulation of real estate brokers and real estate salespersons by the California Bureau of Real Estate headed by the Real Estate Commissioner. Existing law requires an applicant who desires to have his or her license issued under a fictitious business name to file with his or her application a certified copy of his or her fictitious business name statement.

This bill would authorize the bureau to establish, by regulation, criteria for a business name that shall be approved, including examples in which the adequate identification of the licensee in a business name by licensee surname, identification of employing broker, if any, and display of license numbers is sufficient to avoid characterization as a fictitious name.

This bill would provide, for purposes of the provisions described above, that a business name is not a fictitious business name if the name is used by two or more real estate licensees, the name includes one or more first and last names or surnames in conjunction with the term “associates,” “group,” or “team,” and the licensees include certain identifying information on marketing and advertising materials, “for

sale” signage, and solicitation materials intended to be the first point of contact with consumers.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10159.5 of the Business and Professions
2 Code is amended to read:

3 10159.5. (a) Every person applying for a license under this
4 chapter who desires to have the license issued under a fictitious
5 business name shall file with his or her application a certified copy
6 of his or her fictitious business name statement filed with the
7 county clerk pursuant to Chapter 5 (commencing with Section
8 17900) of Part 3 of Division 7.

9 (b) The bureau may, by regulation, establish criteria for a
10 business name that shall be approved pursuant to this section,
11 including examples in which the adequate identification of the
12 licensee in a business name by licensee surname, identification of
13 employing broker, if any, and display of license numbers is
14 sufficient to avoid characterization as a fictitious name.

15 (c) *For purposes of this section, a business name is not a*
16 *fictitious business name if all of the following conditions are*
17 *satisfied:*

18 (1) *The name is used by two or more real estate licensees.*

19 (2) *The name includes one or more first and last names or*
20 *surnames in conjunction with the term “associates,” “group,” or*
21 *“team.”*

22 (3) *The licensees include all of the following information on all*
23 *marketing and advertising materials in print or electronic media,*
24 *“for sale” signage, and solicitation materials intended to be the*
25 *first point of contact with consumers, as defined in paragraph (2)*
26 *of subdivision (b) of Section 10140.6:*

27 (A) *Name or surname.*

28 (B) *License number.*

29 (C) *Name of the employing broker, which shall be equally*
30 *prominent as the first and last names or surnames used in*
31 *conjunction with the term “associates,” “group,” or “team.”*

1 *(d) Nothing in this section shall be construed to limit or change*
2 *a real estate broker's duties to supervise a salesperson under this*
3 *division.*

4 *(e) A business name using the term "associates," "group," or*
5 *"team," means an association of two or more real estate licensees.*

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